

Senate File 340 - Enrolled

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SENATE FILE 340

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AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND DRIVER LICENSING SERVICES PROVIDED BY COUNTY TREASURERS AND PROVIDING FOR THE COLLECTION OF CERTAIN FEES, FINES, AND PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 10

1 11 Section 1. Section 321.40, Code 2005, is amended by adding
1 12 the following new unnumbered paragraph:

1 13 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
1 14 refuse to renew the registration of a vehicle registered to an
1 15 applicant if the county treasurer knows that the applicant has
1 16 one or more uncontested, delinquent parking tickets issued
1 17 pursuant to section 321.236, subsection 1, paragraph "a",
1 18 owing to the county, or owing to a city with which the county
1 19 has an agreement authorized under section 331.553. However, a
1 20 county treasurer may renew the registration if the treasurer
1 21 determines that an error was made by the county or city in
1 22 identifying the vehicle involved in the parking violation or
1 23 if the citation has been dismissed as against the owner of the
1 24 vehicle pursuant to section 321.484. This paragraph does not
1 25 apply to the transfer of a registration or the issuance of a
1 26 new registration. Notwithstanding section 28E.10, a county
1 27 treasurer may utilize the department's vehicle registration
1 28 and titling system to facilitate the purposes of this
1 29 paragraph.

1 30 Sec. 2. Section 321.218A, Code 2005, is amended to read as
1 31 follows:

1 32 321.218A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.

1 33 When the department suspends, revokes, or bars a person's
1 34 driver's license or nonresident operating privilege for a
1 35 conviction under this chapter, the department shall assess the
2 1 person a civil penalty of two hundred dollars. However, for
2 2 persons age nineteen or under, the civil penalty assessed
2 3 shall be fifty dollars. The civil penalty does not apply to a
2 4 suspension issued for a violation of section 321.180B. The
2 5 money collected by the department under this section shall be
2 6 transmitted to the treasurer of state who shall deposit the
2 7 money in the juvenile detention home fund created in section
2 8 232.142. A temporary restricted license shall not be issued
2 9 or a driver's license or nonresident operating privilege
2 10 reinstated until the civil penalty has been paid. A person
2 11 assessed a penalty under this section may remit the civil
2 12 penalty along with a processing fee of five dollars to a
2 13 county treasurer authorized to issue driver's licenses under
2 14 chapter 321M, or the civil penalty may be paid directly to the
2 15 department.

2 16 Sec. 3. Section 321.236, subsection 1, paragraph a, Code
2 17 2005, is amended to read as follows:

2 18 a. May be charged and collected upon a simple notice of a
2 19 fine payable to the city clerk ~~or clerk of the district court,~~
2 20 if authorized by ordinance. The fine for each violation
2 21 charged under a simple notice of a fine shall be established
2 22 by ordinance. The fine may be increased by five dollars if
2 23 the parking violation is not paid within thirty days of the
2 24 date upon which the violation occurred, if authorized by
2 25 ordinance. Violations of section 321L.4, subsection 2, may be
2 26 charged and collected upon a simple notice of a one hundred
2 27 dollar fine payable to the city clerk ~~or clerk of the district~~
2 28 ~~court,~~ if authorized by ordinance. No costs or other charges
2 29 shall be assessed. All fines collected by a city pursuant to
2 30 this paragraph shall be retained by the city and all fines
2 31 collected by a county pursuant to this paragraph shall be
2 32 retained by the county, except as provided by an agreement
2 33 between a city and a county treasurer for the collection of
2 34 finest pursuant to section 331.553, subsection 7.

2 35 Sec. 4. Section 321.236, subsection 1, Code 2005, is
3 1 amended by adding the following new paragraphs:

3 2 NEW PARAGRAPH. d. If the local authority regulating the
3 3 standing or parking of vehicles under this subsection is a
3 4 county or is a city which has an agreement with a county
3 5 treasurer by which the renewal of registration of a vehicle

3 6 shall be refused for uncontested and unpaid parking fines
3 7 under section 321.40, the simple notice of a fine under
3 8 paragraph "a" shall contain the following statement:

3 9 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
3 10 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

3 11 This paragraph "d" does not invalidate forms for notice of
3 12 parking violations in existence prior to July 1, 2007.

3 13 Existing forms may be used until supplies are exhausted.

3 14 NEW PARAGRAPH. e. Cities that enter into chapter 28E
3 15 agreements for the collection of delinquent parking fines in
3 16 conjunction with renewal of motor vehicle registrations
3 17 pursuant to section 321.40 shall be responsible for computer
3 18 programming costs incurred by the department to accommodate
3 19 the collection and dissemination of delinquent parking ticket
3 20 information to county treasurers, with each such city paying a
3 21 per capita share of the costs as provided in this paragraph.
3 22 The department's programming costs shall be paid by the first
3 23 city to enter into such an agreement. Thereafter, cities that
3 24 enter into such agreements on or before June 30, 2010, shall
3 25 pay a pro rata share of the department's programming costs on
3 26 or before September 30, 2010, to the city which first paid the
3 27 costs, based on the respective populations of each city as of
3 28 the last decennial census.

3 29 Sec. 5. Section 321.484, unnumbered paragraph 2, Code
3 30 2005, is amended to read as follows:

3 31 The owner of a vehicle shall not be held responsible for a
3 32 violation of a provision regulating the stopping, standing, or
3 33 parking of a vehicle, whether the provision is contained in
3 34 this chapter, or chapter 321L, or an ordinance or other
3 35 regulation or rule, if the owner establishes that at the time
4 1 of the violation the vehicle was in the custody of an
4 2 identified person other than the owner pursuant to a lease as
4 3 defined in chapter 321F or pursuant to a rental agreement as
4 4 defined in section 516D.3. The furnishing to the county
4 5 attorney where the charge is pending of a copy of the lease
4 6 prescribed by section 321F.6 or rental agreement that was in
4 7 effect for the vehicle at the time of the alleged violation
4 8 shall be prima facie evidence that the vehicle was in the
4 9 custody of an identified person other than the owner within
4 10 the meaning of this paragraph. Upon receipt of such evidence,
4 11 the appropriate authority shall dismiss as against the owner
4 12 of the vehicle any citation issued for a violation within the
4 13 meaning of this paragraph that occurred while the vehicle was
4 14 in the custody of the identified person.

4 15 Sec. 6. Section 321A.32A, Code 2005, is amended to read as
4 16 follows:

4 17 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.

4 18 When the department suspends, revokes, or bars a person's
4 19 driver's license or nonresident operating privilege under this
4 20 chapter, the department shall assess the person a civil
4 21 penalty of two hundred dollars. However, for persons age
4 22 nineteen or under, the civil penalty assessed shall be fifty
4 23 dollars. The money collected by the department under this
4 24 section shall be transmitted to the treasurer of state who
4 25 shall deposit the money in the juvenile detention home fund
4 26 created in section 232.142. A temporary restricted license
4 27 shall not be issued or a driver's license or nonresident
4 28 operating privilege reinstated until the civil penalty has
4 29 been paid. A person assessed a penalty under this section may
4 30 remit the civil penalty along with a processing fee of five
4 31 dollars to a county treasurer authorized to issue driver's
4 32 licenses under chapter 321M, or the civil penalty may be paid
4 33 directly to the department.

4 34 Sec. 7. Section 321M.5, subsection 2, paragraph a, Code
4 35 2005, is amended to read as follows:

5 1 a. Responsibility for collection of, and accounting for,
5 2 any fees and penalties associated with the licensing process.

5 3 Sec. 8. Section 321M.9, subsection 1, Code 2005, is
5 4 amended to read as follows:

5 5 1. FEES TO COUNTIES. Notwithstanding any other provision
5 6 in the Code to the contrary, the county treasurer of ~~any~~ a
5 7 county authorized to issue driver's licenses under this
5 8 chapter shall retain for deposit in the county general fund
5 9 seven dollars of fees received for each issuance or renewal of
5 10 driver's licenses and nonoperator's identification cards, but
5 11 shall not retain any moneys for the issuance of any persons
5 12 with disabilities identification devices. The five dollar
5 13 processing fee charged by a county treasurer for collection of
5 14 a civil penalty under section 321.218A or 321A.32A shall be
5 15 retained for deposit in the county general fund. The county
5 16 treasurer shall remit the balance of fees and all civil

5 17 penalties to the department.

5 18 Sec. 9. Section 331.553, Code 2005, is amended by adding
5 19 the following new subsection:

5 20 NEW SUBSECTION. 7. Pursuant to an agreement under chapter
5 21 28E, collect delinquent parking fines on behalf of a city in
5 22 conjunction with renewal of motor vehicle registrations
5 23 pursuant to section 321.40. If the agreement provides for a
5 24 fee to be paid to or retained by the county treasurer from the
5 25 collection of parking fines, such fees shall be credited to
5 26 the county general fund. Fines collected pursuant to this
5 27 subsection shall be remitted biannually to the city.
5 28 Notwithstanding section 28E.10, a county treasurer may utilize
5 29 the state department of transportation's vehicle registration
5 30 and titling system to facilitate the purposes of this
5 31 subsection.

5 32 Sec. 10. Section 331.557A, Code 2005, is amended by adding
5 33 the following new subsection:

5 34 NEW SUBSECTION. 3A. Accept payment of civil penalties
5 35 pursuant to sections 321.218A and 321A.32A and remit the
6 1 penalties to the state department of transportation.

6 2 Sec. 11. Section 364.2, Code 2005, is amended by adding
6 3 the following new subsection:

6 4 NEW SUBSECTION. 5. If provided by ordinance, a city may
6 5 enter into a chapter 28E agreement for the collection of
6 6 delinquent parking fines by a county treasurer pursuant to
6 7 section 321.40 at the time a person applies for renewal of a
6 8 motor vehicle registration, for violations that have not been
6 9 appealed or for which appeal has been denied. The city may
6 10 pay the treasurer a reasonable fee for the collection of such
6 11 fines, or may allow the county treasurer to retain a portion
6 12 of the fines collected, as provided in the agreement.

6 13 Sec. 12. EFFECTIVE DATE. This Act takes effect July 1,
6 14 2007.

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JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

6 26 I hereby certify that this bill originated in the Senate and
6 27 is known as Senate File 340, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

6 33 Approved _____, 2005

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